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*Attorneys for Irving H. Picard, Trustee for the  
Substantively Consolidated SIPA Liquidation of  
Bernard L. Madoff Investment Securities LLC and  
The Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES, LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA Liquidation

(Substantively Consolidated)

In re:

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation  
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

BENJAMIN W. ROTH; and

MARION B. ROTH,

Defendants.

Adv. Pro. No. 10-05284 (SMB)

**NOTICE OF VOLUNTARY DISMISSAL WITH PREJUDICE**  
**OF CERTAIN CLAIMS IN ADVERSARY PROCEEDING**

Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.*, and the substantively consolidated estate of Bernard L. Madoff individually, by and through his counsel Baker & Hostetler LLP, and pursuant to Rule 7041(a)(1)(A)(i) of the Federal Rules of Bankruptcy Procedure (making Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure applicable in adversary proceedings), hereby dismisses Counts Two through Six of the Complaint with prejudice. This Notice shall have no effect on Counts One, Seven, and Eight of the Complaint. Pursuant to Bankruptcy Rule 7041(a)(1)(A)(i), the Trustee is permitted to voluntarily dismiss claims in this adversary proceeding without further order of the Court by filing this Notice of Dismissal. As of the date hereof, Defendants Benjamin W. Roth and Marion B. Roth have not filed or served an answer or a motion for summary judgment.

Dated: New York, New York  
November 12, 2015

Respectfully submitted,

*/s/ Nicholas J. Cremona*

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